

Statement of

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Introduction

Chairman Saxton, Chairman Reichert, Ranking Member Meehan, Ranking Member Pascrell, distinguished members of the Committees: thank you for the opportunity to address you today to discuss responding to catastrophic events -- the role of the military and National Guard in disaster response.

The Department of Defense is one element of the overall response effort to a complete spectrum of incident management activities, including the prevention of, preparedness for, response to, and recovery from threats or acts of terrorism, major disasters, and other emergencies. DoD's response is part of a coordinated effort among Federal, State, local, and tribal governments, as well as non-governmental organizations.

Where applicable, I will use examples of our recent response to Hurricanes Katrina and Rita to illustrate DoD's role in responding to catastrophic incidents. In terms of persons displaced, businesses disrupted, commerce affected, and projected aggregate economic losses, Hurricane Katrina was one of the most catastrophic hurricanes in U.S. history. Appropriately, the Department's deployment of military resources in support of civil authorities exceeded, in speed and size, any other domestic disaster relief mission in the history of the United States. The ability of military forces -- active duty, Reserves, and the National Guard -- to respond quickly and effectively to an event of this magnitude is a testament to their readiness, agility, and professionalism. It is also a reflection of the resources that enable them to organize, train, and equip to meet the full range of DoD's missions. I commend the members of your committees for your continuing support of the Department. Without your support, U.S. military forces would not have been poised to respond as effectively to the devastating effects of Hurricanes Katrina and Rita.

As President Bush described in his September 15 address to the nation:

The [Katrina] storm involved a massive flood, a major supply and security operation, and an evacuation order affecting more than a million people. It was not a normal hurricane -- and the normal disaster relief system was not equal to it. Many of the men and women of the Coast Guard, the Federal Emergency Management Agency (FEMA), the United States military, the National Guard, and state and local governments performed skillfully under the worst conditions. Yet the system, at every level of government, was not well-coordinated, and was overwhelmed in the first few days.

There is no doubt that improvements can and should be made at all levels of government. As a Department, we continue to capture observations from our response to Hurricane Katrina in order to develop lessons learned and improve our response the next

time we are called, whether for a natural disaster of like magnitude or catastrophic terrorist attack.

DoD Responsibilities under the National Response Plan

DoD is an important partner in the overall national effort for incident management and response activities. DoD resources are employed as part of a coordinated incident management approach among Federal, State, and local governments, as well as non-governmental organizations. Title 10, United States Code, and the National Response Plan (NRP), published in December 2004, define the authorities and responsibilities of the Department. Homeland Security Presidential Directive-5 (February 2003) directed the development of an NRP to replace the Federal Response Plan. The NRP aligned Federal coordination structures, capabilities, and resources into a unified, all-discipline and all-hazards approach to domestic incident management. The NRP incorporates best practices from a wide variety of incident management sources and disciplines, including fire, rescue, emergency management, law enforcement, public works, and emergency medical services.

The Department's main contribution to the NRP is through Defense Support of Civil Authorities — also known as “civil support.” The NRP provides, “When requested, and upon approval of the Secretary of Defense, the Department of Defense (DOD) provides Defense Support of Civil Authorities (DSCA) during domestic incidents.” DoD's role in the NRP is contingent upon a request for assistance (RFA) from another Federal agency, and upon approval by the Secretary of Defense. In responding to requests from FEMA for Hurricane Katrina operations, for example, DoD acted quickly within the NRP framework. FEMA and the Department of Defense worked closely together to identify and refine requirements, allowing DoD to provide needed capabilities. In all, the Department acted on more than 90 Hurricane Katrina-related RFAs from civil authorities requiring a broad range of military capabilities. Some of these requests were approved verbally by Secretary Rumsfeld or Acting Deputy Secretary England, and were in execution when the approval paperwork caught up days later. The Department felt a sense of urgency and acted upon it, as provided for within the NRP.

DoD is the only Federal department with supporting responsibilities for each of the NRP's fifteen Emergency Support Functions (ESFs). Additionally, DoD's U.S. Army Corps of Engineers is designated as the primary agency for Emergency Support Function #3, Public Works and Engineering, operating under separate statutory and funding authority. While the considerable resources of the Department make it feasible that DoD might be asked to contribute resources, personnel, equipment, or expertise in a

variety of circumstances, such support is directly contingent on Secretary of Defense approval with the following exceptions:

- As the primary agency for ESF #3, the U.S. Army Corps of Engineers performs emergency support activities under separate statutory and funding authority, including Public Law 84-99.
- Military forces responding to an incident under a commander's Immediate Response Authority as outlined in DoD Directives.
- National Guard forces in State Activity Duty or Title 32 status commanded by the Governor of a State or territory.

When Federal military forces are employed in support of domestic civil authorities, they are under the command and control of Commander, U.S. Northern Command, for responses in the Continental United States, Alaska, the Commonwealth of Puerto Rico, U.S. Virgin Islands, and the District of Columbia; or Commander, U.S. Pacific Command, for Hawaii and U.S. territories, possessions, and protectorates in the Pacific region. It is important to note that the military chain of command always runs from the President to the Secretary of Defense to the relevant Combatant Commander. The Department fully supports the Incident Command System of the NRP's National Incident Management System; however, at no time does a supported Federal agency exercise any command and control over DoD forces.

DoD Responsibilities Under the National Response Plan's Catastrophic Incident Annex

The Catastrophic Incident Annex (CIA) of the NRP provides for a *proactive* Federal response in anticipation of, or following, a catastrophic incident to provide critical resources on an expedited basis to assist State and local response efforts. The NRP defines a catastrophic incident as one "that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions." A catastrophic incident would almost immediately overwhelm local or State response capacity and could potentially threaten national security through interruption in governmental operations or emergency services.

Implementation of the NRP's CIA is the responsibility of the Secretary of the Department of Homeland Security. When notified by the Homeland Security Operations Center of such an implementation, Federal departments and agencies activate and deploy capabilities in accordance with the Catastrophic Incident Annex and commence relevant Emergency Support Function responsibilities. In response to a catastrophic event, DoD

shares primary responsibility, along with the Department of Health and Human Services, for the patient movement functional response area.

The National Guard's Role in Catastrophic Events

DoD uses the Total Force concept – the right forces for the right jobs – to execute its missions. The National Guard provides unique capabilities in every U.S. State, territory, and the District of Columbia. The National Guard is a critical component of the military's role in responding to catastrophic events. Today's National Guard serves effectively in two distinct roles. First, it is an operational force for military missions; and second, it stands ready to answer no-notice calls by the President, the Secretary of Defense, or the Governors to respond to natural or man-made catastrophic incidents. The National Guard provides significant capabilities to U.S. Northern Command and U.S. Pacific Command, including situational awareness capabilities, intelligence and information feeds, chemical-biological weapons of mass destruction response force packages, and forward-deployed command and control apparatuses and joint logistics bases, as needed.

National Guard forces provide combatant commanders flexibility to tailor their response based on specific scenarios encountered in managing a contingency.

- **Title 10 (United States Code) Status.** When National Guard forces are ordered or called to active duty in a Federal or Title 10 status (Federal control, Federal funding), the President or the Secretary of Defense may authorize employment of activated National Guard forces along with other active duty forces. In this instance, the Commanders of U.S. Northern Command or U.S. Pacific Command would have direct command and control authority over those forces assigned for employment in the Commander's area of responsibility.
- **State Active Duty Status and Title 32 (United States Code) Status.** National Guard forces can serve in State Active Duty (State control, State funding) or in Title 32 status (State control, Federal funding) under the command of a State Governor. In either status, National Guard members are not subject to the provisions of the Posse Comitatus Act and may engage in activities related to law enforcement if authorized to do so under applicable State law.

In the event of a catastrophic incident, forces under State command and control, and Federal forces under U.S. Northern Command or U.S. Pacific Command's command and control could find themselves operating within a common operating area. Although

they are not part of the same command structure, unity of effort requires coordination and cooperation among all of these forces toward a commonly recognized objective. Unity of effort is critical to a successful response to catastrophic events.

DoD Coordination with Interagency Partners

The Department of Defense and the Department of Homeland Security (DHS) work in close coordination to ensure the safety and security of the U.S. homeland. Coordination and cooperation take place continuously at all levels of both organizations. As the Secretary of Defense's principal liaison with DHS, my office has worked diligently to foster excellent working relationships and provide relevant expertise. In that regard, the two Departments signed a memorandum of agreement in 2003 that authorized the assignment of 64 DoD personnel to DHS on a detail basis to fill critical specialties, principally in the areas of communications and intelligence. Further, we established a Homeland Defense Coordination Office at DHS headquarters to provide for continuous liaison and advisory support, and we maintain a 24 hours-a-day/7 days-a-week presence in the DHS Homeland Security Operations Center. As needed, DoD also provides senior military and civilian personnel for the DHS-led Interagency Incident Management Group – a group of senior Federal department and agency officials focused on incident response. Beyond these formalized arrangements, daily contacts between DoD and DHS are the norm in the course of interagency working group meetings and our collaboration on a range of projects and initiatives.

Role of DoD and Other Agency Exercises

DoD is committed to maintaining the readiness of military forces to execute the full spectrum of homeland defense and civil support operations, including catastrophic incident response. To this end, DoD has hosted or participated in exercises sponsored by other government entities as well as our own. Homeland security and homeland defense exercises are important in ensuring readiness and identifying gaps and potential weaknesses within each agency, and across agencies, in responding to terrorist attacks, including potentially catastrophic multiple, simultaneous challenges. These exercises support the DHS National Homeland Security Exercise Program established by Homeland Security Presidential Directive-8 (HSPD-8), ("National Preparedness," December 17, 2003).

DoD either sponsors or is a participant in no less than two major interagency field exercises per year, involving deployment of command elements as well as response units. In addition, DoD participates in several command and control exercises, ranging from the

combatant command level to the national level. In the past, these have included U.S. Northern Command exercises UNIFIED DEFENSE (2003, 2004), ARDENT SENTRY (2005), DETERMINED PROMISE (2003, 2004), and VIGILANT SHIELD (2005). Additional exercises have included DILIGENT ENDEAVOR (2003), DILIGENT WARRIOR (2004), NORTHERN EDGE (2003), Scarlet Shield (2004), Dark Portal (2004), and the National Top Officials (TOPOFF) exercises (2003, 2005). Many of these exercise scenarios are designed to overwhelm local and State assets to the extent required to evoke a response under the National Response Plan, including the employment of DoD and other Federal assets.

DoD Contribution to Hurricane Katrina Relief Efforts

The Department of Defense's response to the catastrophic effects of Hurricane Katrina was the largest military deployment within the United States since the Civil War. Federal military and National Guard forces have been employed directly in saving lives through extensive search and rescue, evacuation, and medical assistance.

By any measure, the flow of military forces and relief supplies into the Katrina-affected areas was a massive operation. At the height of the DoD response, some 72,000 men and women in uniform assisted Federal, State, and local authorities in recovery efforts. Other military capabilities employed during the response included 23 ships, 68 fixed-wing aircraft, 293 helicopters, amphibious landing craft, space-based imagery, night vision capabilities, port and waterway surveillance, mortuary teams, and large-scale construction support provided through the U.S. Army Corps of Engineers and U.S. Navy Seabees. Additionally, nine DoD installations served as logistical staging areas for the delivery of supplies and as sites for Federal Medical Shelters. Little Rock Air Force Base, Arkansas, was designated as the central collection point for foreign relief donations.

Federal military and National Guard forces have been instrumental in saving lives, restoring order, and beginning the long, challenging process of recovery. Approximately 15,000 residents of the Gulf coast were rescued and 80,000 others evacuated. DoD delivered critical emergency supplies – more than 30 million meals and some 10,000 truckloads of ice and water. Military forces also provided significant medical assistance, including 10,000 medical evacuations by ground and air, medical treatment of more than 5,000 patients, as well as support for disease prevention and control. Further, DoD made available more than 3,000 beds in field hospitals, installations, and aboard U.S. Navy ships. At the request of FEMA, DoD also supplied 13 mortuary teams to support local authorities in the systematic search, recovery, and disposition of the deceased. Additionally, to assist in disease prevention, DoD aircraft have flown mosquito abatement aerial spraying missions covering more than two million acres.

The Department of Defense planned for and employed a balance of Active, Reserve, and National Guard capabilities in responding to Hurricane Katrina. In contrast to Hurricane Andrew (1992), in which National Guard forces constituted 24% of the military response, National Guard forces represented more than 70% of the military force for Hurricane Katrina. Even while 75,000 National Guard members are deployed overseas, under the leadership of Lieutenant General Blum, the National Guard amassed over 30,000 troops in 96 hours in response to Hurricane Katrina. At the height of Katrina relief efforts, the National Guard deployed a total of 50,000 military personnel. National Guardsmen from every State, territory, and the District of Columbia have been involved in Hurricane Katrina response operations. Further, National Guard Weapons of Mass Destruction – Civil Support Teams (WMD-CSTs) from 14 states deployed to provide state-of-the-art communications capabilities to local authorities and assistance and advice on identifying and handling hazardous materials from damaged infrastructure.

Participating National Guardsmen served and continue to serve in Title 32 status. As described earlier, while in Title 32 status, their respective Governors maintain command and control of their forces and the Department of Defense provides funding. National Guardsmen in Title 32 status are also able to undertake law enforcement activities in accordance with State laws as directed by their Governor. One such example is the deployment of National Guard military police into New Orleans. When it became clear that civil order was breaking down, the National Guard deployed 1,400 National Guard military police into New Orleans each day, every day, for three days in a row, dramatically increasing the security presence on the streets of New Orleans. Many of these trained military police officers also serve as professional law enforcement officers in civilian life. These National Guard forces were able to not only backfill, but substantially expand, the total number of law enforcement personnel available in New Orleans and the surrounding parishes.

Observations on the Federal Response to Hurricane Katrina

Typically, in responding to a major disaster, local first responders are the first on the scene. Immediately following local first responders, State emergency management officials, at the direction of the Governor, would normally be available to provide prompt augmentation capability. Disaster planning has traditionally assumed that the majority of personnel immediately responding to the scene are likely to be drawn from local and State communities, with the bulk of Federal follow-on capabilities arriving in force a few days later.

In the case of Hurricane Katrina, this model of response simply did not apply. In fact, the combination of the initial hurricane strike and several levee breaches in New Orleans transformed local first responders and their families into some of the first

victims. In many cases, police, firefighters, emergency medical service providers, and other essential responders were no longer mission capable.

As with all Department of Defense operations, we have made it a priority to capture lessons learned from our response to Hurricane Katrina. We have been doing so ever since the hurricane made landfall. The Department has organized a comprehensive review group to support the White House Hurricane Katrina Task Force and to oversee implementation of lessons learned within DoD. Although review and analysis are still ongoing, let me highlight some preliminary areas, already identified, to improve both the overall Federal government and specific DoD response:

- improving our ability to obtain timely and accurate assessments of damaged areas immediately after an event;
- examining the best way to achieve effective coordination and unity of effort when multiple Federal agencies converge on an affected area;
- enhancing our ability to communicate with first responders on the ground, focusing specifically on voice communications;
- integrating fully both Active Duty and Reserve Components into pre-event and on-scene operational planning for catastrophic events; and
- re-examining the role of DoD in responding to a catastrophic event.

These preliminary observations, and others under review, form the framework for an in-depth analysis of our response to Hurricane Katrina and will enable DoD to better plan for the next catastrophic event.

Conclusion

In terms of its magnitude, Hurricane Katrina constituted one of the most destructive natural disasters in the history of the United States. Accordingly, U.S. military forces executed the largest, most comprehensive, and most responsive civil support mission in our nation's history. During a domestic disaster relief operation unprecedented in scale, over 72,000 Federal military and National Guard forces flowed into the Gulf Coast region over a twelve-day period to assist fellow Americans in distress. The military response to Hurricane Katrina validated DoD's Total Force concept, which effectively integrates Active Duty, Reserve, and National Guard forces to meet the full range of military missions, including homeland defense and support to domestic civil authorities. Hurricane Katrina also provided a real-world opportunity to refine further the approaches outlined in the National Response Plan and its Catastrophic Incident Annex – a task that DoD and all NRP signatories are undertaking on a priority basis.

Mr. Chairman, I commend you and the members of these Committees for your leadership, interest in, and support of, the Department's homeland defense and civil support missions, with a particular focus today on the role of Federal military forces and the National Guard in disaster response. I look forward to any questions you may have.